

EXHIBIT 16



— BUREAU OF —
RECLAMATION



Public Draft Workplan

Fiscal Year 2021 Obligation Plan for CVPIA Authorities

**Central Valley Project, California
Interior Region 10 – California-Great Basin**



Introduction

The Central Valley Project (CVP) is one of the Bureau of Reclamation's (Reclamation) largest and most important water projects, storing and delivering nearly 12 million acre-feet of water in support of California's farms, cities, wildlife refuges, and fish and wildlife. Reclamation serves these water supply needs through the balancing of competing statutory responsibilities. Reclamation's goal is to provide and enhance water and hydropower reliability for California communities, agriculture, fisheries, and wildlife refuges, in accordance with its statutory responsibilities, including compliance with Endangered Species Act (ESA) requirements for listed species within the project area.

This workplan describes Reclamation's Fiscal Year 2021 planned obligations using the authorities provided by the Central Valley Project Improvement Act (CVPIA), Title 34 of Public Law 102-575. This workplan builds upon and expands prior CVPIA workplans to cover activities using CVPIA authorities from both the Central Valley Project Restoration Fund (Restoration Fund) and other Federal appropriations. Through this workplan Reclamation identifies potential financial obligations to CVP water users and power customers and serves as a vehicle for continued discussion and feedback on program implementation from stakeholders and the public.

The ability to obligate funds consistent with this workplan will depend upon collections into the Restoration Fund, enactment of other Federal appropriations, and execution of contracts and agreements. Once obligated, funds become available for expenditure, which may span multiple years. CVP water users and power customers incur a reimbursable obligation only after Reclamation is invoiced and an expenditure recorded. Funds no longer required under contracts and agreements may be de-obligated and re-obligated on a similar or different authorized activity. Scopes of work, budgets, timelines, and priorities may change in the course of implementing programs. Reclamation will continue to use existing forums to communicate such deviations when identified.

Background

The 1992 passage of the CVPIA, in part, amended previous authorizations of the CVP to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic uses, and fish and wildlife enhancement as a project purpose equal to power generation. Section 3406 of the CVPIA authorized water operations, programs, and projects to support fish and wildlife. Section 3407 established the Central Valley Project Restoration Fund (Restoration Fund) for donations from any source and revenues provided through payments by CVP water and power customers for carrying out the fish and wildlife provisions of Title 34. Reclamation and the U.S. Fish and Wildlife Service (Service) jointly implement the CVPIA programs using the Restoration Fund. Reclamation and the Service coordinate CVPIA programs with the National Marine Fisheries Service (NMFS) and the State of California represented by the Department of Fish and Wildlife (CDFW) and Department of Water Resources (DWR).

Subsequent legislation and regulations continued to amend or augment authorizations of the CVP and relied upon many of the authorities added from the CVPPIA, most notably on measures to address fish species. Examples include compliance with the Endangered Species Act (ESA) for the operation of the CVP, compliance with the State of California Water Quality Control Plan for the Bay Delta (State Water Resources Control Board Decision 1641, “D-1641”), the CalFed Bay-Delta Authorization Act (CalFed), Title 1 of Public Law 108-361, and the Water Infrastructure Improvements for the Nation (WIIN) Act, Subtitle J of Public Law 114-322, among others. Reclamation operates the CVP under Biological Opinions issued by the Service and NMFS and in coordination with DWR’s operation of the State Water Project (SWP).

Section 3406 of the CVPPIA authorizes programs and activities to support fish and wildlife. These authorities generally fall into the following areas:

- Fish Resource Area - Activities under section 3406(b) and (g) of the Act to improve the natural production of anadromous fish, address other adverse environmental impacts of the Central Valley Project, mitigate for fishery impacts associated with operations of the Tracy Pumping Plant, assist efforts to protect the waters of the Bay-Delta Estuary, and to help meet obligations under the Federal Endangered Species Act;
- Refuge Water Supply Program - Activities under section 3406(d) of the Act to provide firm water supplies of suitable quality to maintain and improve wetland habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California; and
- Independent Programs -
 - Habitat Restoration Program (HRP) - Activities authorized under section 3406(b)(1) to mitigate the other adverse environmental impacts of the CVP on ESA-listed species other than anadromous fish,
 - San Joaquin River Restoration Program (SJRRP) - Use of the Restoration Fund authorized by Section 10009(b)(2) of Public Law 111-11 for activities to implement the Stipulation of Settlement for NRDC, et al. v. Rodgers, et al., (2006) and
 - Trinity River Restoration Program (TRRP) - Activities to implement the Trinity River flows under Section 3406(b)(23) and to complete the channel restoration actions under the other adverse environmental impacts of the CVP under 3406(b)(1).

Annually Reclamation prioritizes the Restoration Fund, subject to annual appropriations and current administration and Departmental focus, to the following areas:

1. Deliver Level 2 CVP water supplies to wildlife refuges
2. Long-Term Monitoring Data
3. Independent Programs/Incremental Level 4/Fisheries Habitat Improvement projects

Subsequent sections of this workplan summarize the activities in each of the aforementioned areas. Attachment 1 lists the planned obligations by Watershed and identifies CVPPIA authorities. Attachment 2 introduces charters with more details on the use of the Restoration Fund and other appropriations.